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Robert Hodgson
Book A. Domini 1757
S E R M O N,

PREACHED AT THE
A S S I Z E S
HELD AT THE
CITY of CARLISLE,

AUGUST 5, 1752.
BEFORE
SIR THOMAS BIRCH,
AND
BARON LEGG.

By JOHN COWPER, M. A.

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ADVERTISEMENT.

THE AUTHOR will be greatly oblig'd to the
PUBLICK for their *Demand* of this Sermon ;
as it may be a Channel of conveying one of the
noblest Branches of *Christian Compassion*, viz. a
Relief to the *Sick* and *Infirm* ; the sole Intention
of the Author's publishing it ; and an Apology,
which, 'tis to be hop'd, will meet with Candour
from every *humane* and *well-disposed* Reader.



Printed by J. THOMSON and Co. for the Benefit of the
Poor of the City of London. 1752.



DEDICATION.

T O

Sir GEORGE DALSTON, *Bart.*

HIGH SHERIFF of Cumberland.

S I R,

THE following Discourse solicits your Patronage, as the Author himself has often done before; and, from your experienced Candour and Approbation, I hope, it stands fair for a favourable Reception by the Publick. It was the Publick Good it intended to support; and it is, in a good Measure, the Publick Voice that has engaged it's venturing Abroad. In one Sense, I can't help rejoicing at the Opportunity; since, by this Means, I can make my Acknowledgements of Favours received as publick too as possible.

'TIS a needless Attempt (nor, indeed, is it in my present Design) to expatiate on your Zeal for your Country's Security and Welfare, or your
firm

ii.

DEDICATION.

firm Attachment to his Majesty's Person, Family, and Government. We need but go back to the late REBELLION, and Your Services,—Your Integrity,—Your Penetration into Circumstances and Facts, which came before you as Foreman of the Grand Inquest—distinguished themselves in the most popular Character.

I WOULD not be led into the too usual Language of Dedications, being fully convinced of your Aversion to every Address that favours of Compliment. I know the honest Plainness of your Heart, which can approve nothing but what is sincere: And must beg you would believe me such, when I conclude myself,

SIR,

Your most dutiful,

And most obliged Servant,

PENRITH,

Aug. 10. 1752.

JOHN COWPER.

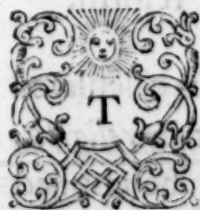


A

S E R M O N &c.

*The 22d and Part of the 23d Verse of the Epistle
General of St JUDE.*

*Of some have Compassion, making a Difference :
And others save with Fear.*



HIS Epistle, from which I have
chosen my Subject, for the present Oc-
casion, was originally intended against
false Teachers ;—Men of infamous
Character ; licentious in their Morals ;
—**despising Dominion, and speaking Evil of Digni-
ties.* They pretended to uncommon Knowledge ;
A and,

* Jude 8.

and, by amusing the People with an empty Shew of † *swelling Words*, endeavour'd to raise Divisions, in the *Christian Church*, and pervert the *new Converts* from embracing the Doctrines of the Gospel.

THE Author, therefore, of this Epistle, uses the utmost Precision, in discovering the Fallacy of these Imposters and § *Mockers*, as they are call'd, and guarding the Christians against any Wavering in Principle; by exhorting them || *earnestly to contend for the Faith*, and use all possible Diligence to preserve others from the threatening Contagion.

As for those who had been deluded, either through *Ignorance* or *Inadvertency*, they were to be pitied; but such as through corrupt, wicked Inclination had wilfully *gone astray*, cou'd not be treated with too much Severity. Great Lenity and Tendernefs was due to those who were *weak*, and consequently more liable to be imposed upon; and a wide *Difference* to be made betwixt *them* and the vicious, *stubborn Offenders*; whom nothing but *Fear* of Punishment cou'd *save*, or reform.

THE Precept then, in my Text, was calculated for a Rule of Conduct and Judgment in *religious Matters*, but may, not unseasonably, be applied to *Civil* and *Judicial Cases*: I shall therefore beg Leave to consider it in this *latter* Sense, as having

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a more apposite Reference to the Solemnity that convenes us.

Of some have Compassion, making a Difference; others save with Fear.

FROM which Words, thus introduced, I shall endeavour to shew :

First, How far Lenity and Compassion may and ought to be extended; and in what particular Circumstances a Difference should be made.

Secondly, PROVE the Necessity of Punishments, or preserving the Order and Well-being of the Community, and avoiding Anarchy and Confusion.

IN the next Place, I shall briefly touch upon the Happiness of our Constitution, and the equal Justice which every Subject has a Claim to.

THE whole will be concluded with a modest Address to *all those* who are invested with a Power of executing the Laws. *First,*

How far Lenity and Compassion may and ought to be extended; and in what particular Circumstances a Difference should be made.

MERCY and Gentleness are the distinguishing Characteristicks of the *Christian Temper*: They always obtain'd a *principal Place* in the System of *Morals*; but the Doctrines of the Gospel have
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4 A S E R M O N at

carried them to the most refin'd and exalted Pitch imaginable; for *here* we are enjoined to * *have Compassion one of another*;—to love as Brethren;—to be pitiful; to be courteous:—to be † merciful, as our Father also is merciful;—to § bear one another's Burthens, and so fulfil the Law of Christ;—to || remember them that are in Bonds as bound with them; and them that suffer Adversity, as being ourselves also in the Body. We are there commanded to have * *Bowels of Compassion*; that is, to have so tender a moral Sense, at the Sight or Consideration of the Miseries of our Fellow Creatures, as to be inclined to *help* and *relieve* them whenever we have it in our Power.

“COMPASSION,” says a † late good and learned Prelate of our Church, “is a Call, or Demand of Nature, to relieve the Unhappy; as Hunger is a natural Call for Food.”—Sorrow and Misery have a Right to our Assistance; and this inward Affection of Mind, which we feel for the Distressed, gains them Admittance and Access to our *seasonable Succours*. By the Exercise of our Benevolence in the Works of Mercy, *the Misery* of

* 1 Pet. iii. 8.

† Luke vi. 36.

§ Gal. vi. 2.

|| Heb. xiii. 23.

* Col. iii. 12.

† Dr Butler Bishop of Durham. See his excellent Sermon on *Compassion*. His Life the best *Comment*. For a fuller Character, see Mr Sharp's Sermon before the Governors of the Newcastle Infirmary.

of others is annihilated, and Happiness created; as the same distinguish'd Author (whose Life was a Pattern of this Christian Principle, and whose Death demands the Publick Grief) most elegantly observed.

EVERY Man finds his own Interest in being *piti-ful* and *compassionate* to his Fellow-creatures; as he secures to himself the *same* Tenderneſs, the *same* kind Offices of Humanity from others, which he was *ready* and *willing* to ſhew them, in like Circumſtances. If we look *at home*, into the innermoſt Recesses of our own *Wants* and *Weakneſſes*, we ſhall find we have frequent Occaſions for this *commiſerating Aid*: and tho' *Pity* may not make our *Burthens* really the *leſs*, yet it *lightens*, and makes them *leſs* grievous.

EVERY one, therefore, may fetch the general Rule or his Conduct from holy Scripture, (which will ever be our moſt faithful Director) and * *have Compassion on the Ignorant, and on them that are out of the Way*, as the great Apoſtle ſays, *for that he himſelf alſo is compaſſed with Infirmary*.

YET, notwithstanding the general Precepts of the *Gospel*, and what might further be advanced of the *Becomingneſs* and *Uſefulneſs* of *Compaſſion*,
in

6 A S E R M O N at

in our Intercourse with the World, all Men have not an *equal Claim* to our *Pity* and *Relief*: The Objects may be *very different*, and our Incitements to *Commiseration* will rise and fall in the *same Proportion*.

In all *immoral* and *criminal Actions* we must nicely distinguish the *State* and *Circumstances* of the Offender, and great Allowances are to be made to the Want of *due Institution*,—to *Ignorance* or *Inadvertency*. We are sure that the *Temper* and *Inclinations* of Mankind have *ever been*, and *will be*, *very various*; and the Consequences of their Actions may frequently be owing to *some* of the Causes above-hinted. For Want of Education and proper Culture of the Mind, many are unable to distinguish between Actions *just* and *unjust*,—*lawful* or *unlawful*;—consequently must be at a Loss for the Measure of their Duty, and an unerring Rule of Conduct, *Ignorance* and *Inadvertency* may admit of many *palliating* Circumstances, where the *Nature* of Actions, with their Tendency and Effects, is either not fully known, or the general Consequences of them pass unregarded by a cursory and *inadvertent Observer*. In such Cases, *Compassion* will mark out to us several Ways of extenuating Men's Failures, and will be ever ready to suggest something, either in their Favour or Excuse.

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CARLISLE ASSIZES. 7

HUMAN Nature must be taken *as it is*, with all its concomitant *Weaknesses* and *Imperfections*; and so long as an *industrious, deliberated* Intention of *doing Wrong* does not appear, Acts of *Indiscretion* and *Negligence* ought to be treated with great Lenity.

As to *Faults*, which are the Effects of any *sudden* Commotion, or violent agitated Passion, they are likewise to be adjudged far more *venial* than such as betray *free-meditated Malice* and deep Design. This was the Distinction which the great * *Roman Orator* made, and which is still allow'd in *Equity* and *Morals*.

BESIDES these, there are many other Actions, in their Issue *criminal*, which, probably, owed their first Rise to *Error in Judgment*. These do not bear that *aggravated Guilt* with those, which proceed from clear Knowledge, and an inward Sense and *Conviction* of Duty. In the *one*, the Agents were *mistaken*, and did not apprehend any dangerous Consequences: In the *other*, they acted *deliberately*—in Opposition to the Light of *Reason*, and the Remonstrances of *Conscience*. In such dissimular Circumstances, no-body will argue, that our *Pity* and *Compassion* shou'd be *equally* divided. The one have a Claim to it; from the Consideration of
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* *Cicero Off. L. i. C. 8. Leviora sunt ea, quæ repentino aliquo Motu accidunt, quam ea quæ meditata & præparata inferuntur.*

the *Weakness* and *Fallibility* of human Nature: The other forfeit It, by an *obstinate* and wilful *Transgression* of a *positive* and *known Duty*.

BUT further:—The *Power*, *Ability* and *Situation* of the Agent, when brought into the Estimate, may greatly contribute to the *Aggravation* of a *Crime*. Thus, if a Person in *high Place*—invested with the Office of *Dignity*, or the Administration of *Justice*—ceases to act correspondent to his *Station* and *Character*;—makes his *Example* publicly *vicious* and *immoral*;—traduces the *Laws* and *Authority*, which he ought to support;—such Conduct becomes more *culpable*, as it diffuses a more general Contagion thro' the Class of *Inferiors*, to whom he ought to be a *Precedent*: For, as the * Declaimer rightly observes, “*Evil is always most pernicious, when the Author of it is Great and Powerful.*” And || another Writer, who was thoroughly acquainted with the reigning Vices and Corruptions of the Republick he liv'd under, remarks to this Effect, that “*the higher the Station, the less Liberty it allows.*” Here then very little Room is left for Connivance: The Example becomes dangerous to the last Degree; and its Influence must be check'd, to preserve the *good Order* of Society.

THO'

* Quintil. Declam. 3.

|| Sallust. In maxima Fortuna minima Licentia.

THO' the Misfortunes and Unhappiness of *Others* are generally the Objects of *Compassion* in *us*, yet this Affection is variously excited, according to the *different* Causes of *that Misery* which implores our *Pity*. A Person, who, by a long and obstinate Run in Wickedness, has reduc'd himself to a State of *Woe* and *Disgrace*, will never raise our *Compassion* to that sensible Degree of *feeling his Misfortunes*, which we are affected with, when *Innocence suffers*.

WE have a natural Aversion to notorious and crying Offences; and the Sentiments, produc'd by Reflection on them, create *Abhorrence*, instead of *Compassion*. Thus *Murther*, and the unnatural Act of *Rebellion* (which I shall cursorily touch upon in the subsequent Part of my Discourse) excite Ideas of *Horror* and just *Indignation*: And *Pity* proportionably *subsides*, as our *Hatred*, for such atrocious Crimes, *rises*.—But, in Cases of injured, oppress'd *Innocence*, or where *Punishments* greatly exceed the Nature and Quality of the *Offence*, we find ourselves affected with an *inward Sense* of our Fellows-Suffering: And the *Fountain* of our *Compassion* often swells to such a Pitch, as to *overflow* in *Tears*.—There's a Gentleness, and *Ductibility* in Nature (if I may be allow'd the Expression) which draws us to *compassionate* the Misfortunes of our Species: And the tender Sentiment will *spring* up, if the *Shock* of wilful Guilt, on the Side of the *miserable*, does not destroy its *Pliantness*.

WE may observe ourselves frequently to be more forcibly incited, by the Bent of natural Temper, to *condole* with the *Distress'd*, than to *congratulate* the good Fortune of the *Prosperous*. The *one* calls for *immediate Relief*; and cannot well subsist without it: The *other*, as less dependent, solicits no larger a Participation of *Affection*, than just what is the Result of *general Regard*, or *Good-will*.

AFTER what has been observ'd, we may be led to discover the *Difficulty*, and the *Difference* too, in judging between the *Merits* and *Demerits* of the Objects, which may claim a Share in our *Compassion*.—If their Misery be not of their own creating, it wou'd be unmanlike—ungenerous—to suspend it one Moment.—If they lay under unmerited Pressures and Misfortunes, we cannot well help having the *sympathetick Sense*, and Feeling.—Do they taste the *Bread and Water of Affliction*?—Do they *sigh* as *Prisoners*, amidst the Horrors of a *Dungeon*, either for Crimes *not* committed, or for the *Malice*, and *Violence of the Oppressor*? Let us *sorrow*, as *being bound with them*, says the Apostle; or, with the *lamenting Prophet*, look on their Affliction, * *in the Day of their Calamity*.

ARE they *Faults*, for which they *stand accused*, such as may proceed from Want of *due Consideration*, necessary *Caution*, or from a careless, *unguard-*
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* Jer. xviii. 17.

CARLISLE ASSIZES. 11

ed Interval? Let us rather *reprove, rebuke,* and *exhort* them, than *punish* with the strictest Rigour and Severity of *Law*; remembering this Maxim, which is founded on Truth and Experience in many Cases, * *too rigid Justice turns to Injury.*

WAS the Temptation to deviate from the Road of Duty, or the Propensity to some particular Sin, strengthen'd by the alluring Circumstance of *Example, Age, Constitution,* and the like?—Let us *pity* the unhappy Influence, and treat our *offending Brother* with the Lenity which the learned Convert prescribes, § *If a Man be over-taken in a Fault, ye which are spiritual,* that is, “ye who “are eminent for superior Knowledge, Practice, “and Abilities,” *restore such an one in the Spirit of Meekness; considering yourselves, lest ye also be tempted.*

INDEED, it must be owned, Objects may present themselves, whose Demerits require, not the lenient *compassionate Treatment,* but the *coercive Force* and Severity of *Penal Laws.* Clemency, in some Cases, would be injurious to the Publick Weal; and, as the eloquent || *Memmius* observed, *Pardon to the greatest Criminals would only issue in our own Destruction.*

PRO-

* *Summum Jus summa Injuria.*

§ *Gal. vi. 1.*

|| See his admirable Speech in *Sallust.*

PROCEED we then in the second Place, to remonstrate the Necessity of *Punishments*, for preserving the *Order* and *Well-being* of the Community, and avoiding *Anarchy* and *Confusion*.

WHERE the Influence of Clemency and gentle Measures fail, it is not only justifiable but prudent for the Civil Power to have Recourse to severe Discipline and Correction. This Expedient has prevailed in all Countries, and under all Forms of Government; since, without it, *Laws* themselves would frequently lose their Sanction: For how would *Life* or *Property* be secure, if they lay at the Mercy of every bold Assailant? If the Terror of *Punishment* could be thoroughly erased out of the Minds of Men, would not Numbers grow more dissolute and wicked? It is absolutely necessary therefore to guard against the Attempts of the *Licentious* and *Unruly*, by the Severity and Infliction of *Penal Laws*; for *these* will, in many Cases, restrain Men to their Duty, when *milder Measures* would have little or none Effect

THE Scheme of Christianity is so far from inhibiting the Enforcement of *Penal Laws*, that, on the contrary, it enjoins Rules to encourage it; * *for the Punishment of Evil-doers, and for the Praise of them that do well.* And tho' the *Doctrine* of the Gof-

* 1 Pet. ii. 14.

Gospel be a Doctrine of *Liberty*, and || *the Truth shall make us free*, yet it was never intended as an Exemption from Obedience to *Civil Government*: For then would *Liberty* soon degenerate into *Misrule* and *Licentiousness*. If the Nature of *Christian Freedom* be mis-understood, it may be perverted to very unjustifiable Purposes. Tho' a † *Freedom*, yet it is bounded by the Dictates of *Right Reason* and the *Laws of God*. To punish the * *lawless and disobedient, the unholy and prophane*,—the Disturbers of *Publick Peace*,—and to protect the *Righteous*, and those who advance the *Good of Society*, have ever been the laudable Ends both of *Religious* and *Civil* Institutions.

AND no Doubt but very salutary Effects may proceed from a well-timed Discipline and Correction, as they will be a Means to deter others from offending in the like Way of *criminal Actions*, to which Punishment is due, and are the only Remedies to cure either the *Obstinacy* or the *depraved Nature* of the Delinquent.

As to the *Measure* and *Proportion* of Punishments to particular Crimes, that must be left to the Direction of those, to whom is delegated the important Trust and Administration of Justice,—

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|| *John* viii. 32.

† See Dr *Fothergill's* Sermon, *St Mary's, Oxon. Jan. 31. 1737.*

* *Tim.* i. 8.

making a Difference as themselves shall judge to answer best the Purposes of Religion and the Utility of the Publick,

THE general Rule of * rating Punishments, is by taking into Consideration the *Object injured*, and the *Heinousness of the Offence*.

AND, first of all, it must be acknowledged, that a Violation of the *Laws of God*, and acting derogatory to his *Honour*, is a Crime of the deepest Dye, and involves in it the most *flagrant Guilt*. The Man who has no Regard for the *Divine Laws*, will pay little Deference to *human Sanctions*; and, if he is not afraid to offend his *Maker*, will hardly be influenced to refrain from injuring his *Fellow Creature*: and tho' the *internal Acts* of Disobedience and Irreverence to God may neither be cognizable nor punishable at *human Tribunals*, yet when they break out into *open Commission* of Vice, —by dishonouring his *sacred Authority*, —by prophaning his *Sabbath*, by contemning his *holy Ordinances*, —by *rash* and *habitual Swearing*, —or by *Perjury*, (which is a Sin of the most *malignant Nature* that can possibly be conceived) then arises the utmost Necessity of *punishing* such atrocious and crying Impieties. These are Points of important Consequence, and well worth the Animadversion of

* See *Puffendorff*, B. 8. C. 3. S. 18.

of every Magistrate, of whatever Rank, Dignity, or Station; since without a due Regard to the *Name of God*, and his *Divine Laws* being *first established*, the Foundation of *Morals*, and a strict Observance of positive *human Institutions*, can never be built on any secure Footing.

NEXT, in Order, follow *Crimes* committed against the Well-being and Security of our KING and COUNTRY. To these every Member of the Community stands bound by the *strongest*, but yet the most *endearing Ties*; and whoever attempts to violate either the *Safety* of the *one*, or the *Repose* and *Tranquillity* of the *other*, is guilty of the *foulest Crime*, and justly obnoxious to the severest Punishment of the *Laws*: For what can be baser *Ingratitude*, (to call it by *no worse* a Name) than to *resist the Power* from which we derive our *Protection*? *Ungrateful*, no Doubt, are *those Men* who stir up *Sedition*,—encourage *Disaffection*, and foment *Divisions* amongst the People,—or contrive any other Ways and Means which may lessen the *Prosperity* and *Safety*, or tend to the *Misery* and *Ruin* of their COUNTRY.

ATTEMPTS of this direful Nature are certain *Preludes* to *lawless Tyranny*, and a *Power* too odious to be named in an *Audience* of a FREE PEOPLE. But, as Examples are recent, and still in every Body's Memory, of the *daring Designs* of Men
of

of *infamous Character*, and most complicated Guilt, I chuse not to dwell on the disagreeable Topick, but leave it with this brief Remark, founded on the Sentiments of a * *brave Roman* on the like Occasion; “Whenever the Publick is brought
 “into Danger, by the treasonable Plottings of
 “desperate and wicked Men, a *capital Punishment*
 “ought to be inflicted on *all those* who are guilty
 “of the *most capital Crimes*.”

THE next Thing to be considered are *Punishments* due to Actions committed against the Lives of *particular Men*.

THERE is something so shocking in the Idea and *Sound* of Murder, that *Nature starts back*,—*pale and agast*,—struck with *Horror* at the Reflection; and yet, notwithstanding the *general Sense*, and the *inward Restraints*, which seem to be provided by the wise *Author of Nature*, against a Crime so inhuman and monstrous, we have had Instances, of late, of *Murders coolly* and *deliberately* perpetrated against all the endearing Ties of *warmest Affection*, and *near Relation*.

ONE would be sorry to depreciate the *present Times*, by Comparisons of *ignorant* and *unenlightened Days*: But, really, the Commission of *Crimes* of
 plainly

* *Cato* in his Speech against *Cataline* and his Conspirators.

the most horrid, and almost unprecedented Quality, too plainly shews, how little a *Sense of Religion* prevails amongst us; and how deeply we are sunk into *Dépravation* and *Brutality*.

To such black and crying Guilt what *penal Inflictions* can be *proportionate*? Under the *Mosaic Dispensation*, we find a positive Appointment of Almighty God for punishing Murtherers.—* *The Murtherer shall surely be put to Death.*—* *No Satisfaction* was to be taken for the Life of a Murtherer. And this has continued as an useful and *irreversible Law* under all succeeding Forms of Government.

EVEN in the most *uncivilized Countries*, we have Accounts how inviolably this *Ordinance of Justice* is still preserv'd. And can any Thing possibly be urged to extenuate the *Commission*, or the *Punishment* of *that Sin*; which not only offers Violence to every Dictate and Principle of *Nature*, but to the *Laws of Religion*, and the *Government* we live under?

HAPPY were it, if, amidst the sundry wholesome Laws enacted; some Means could be found out to prevent the Perpetration of a *Crime* which reflects
C Dis-

** Numb. xxxv. 16.—31.

Disgrace on the Character and Genius of the ENGLISH NATION.

IT must be own'd this *Trade of Death* (for so it is often manag'd) loudly demands the serious Attention of *our Legislators*: and it may be hoped, from their deep Penetration and Zeal for the *Publick Good*, that a late *Act*, intitled * *An Act for the better preventing the horrid Crime of Murther*, will have its much-wish'd-for Effect and Force, in discouraging the *wicked Thirst of Blood*.

AN Infringement of Property by *Robbery and Theft*, tho' justly punishable with *Death*, carries not the same Degree of *Blackness* along with it: For what are all *outward Possessions* to the dear Enjoyment of *Life*? The one may be repaired by the Beneficence of *Friends*,—the united Helps of a *Family*,—or the favourable Smiles of *Fortune*. But, in the Loss of the *other, Friends,—Family,—Fortune,—all* suffer in the general Calamity.

BE it further observed, as what ought to carry considerable Weight with it, that *Life* is the *Gift of God alone*; and whoever *causelessly* takes it away, *robs God* of his peculiar Right and Apponitment:

* By this *Act*, Murtherers are to be executed the next Day but one after Sentence, their Bodies to be hung in Chains or anatomized; but in no Case whatsoever suffered to be buried.

CARLISLE ASSIZES. 19

ment: I say, *causelessly*; since it may sometime happen, that a *Privation* of Life (as in Cases of necessary *Self-preservation*, and in *just, defensive War* with an open, declared *Enemy*) may not only be *unavoidable*, but *innocent*. But these Instances are *Exemptions* from my chief Enquiry, and foreign to the *dreadful Business* I intended to expose. 'Twas *Murder*,—*wilful*, deliberate *Murder*!—*Blood*, * *which defileth the Land*!—that cried out for *Vengeance*; and, beyond all Doubt, the most exquisite Punishment will be denounced at the *General Assize* to Impiety like this.—Nor shall the *Robber*, for all his *dark Contrivances* and *Privacy here*, be able to find a *Place of Refuge* to hide himself from † *the Wrath to come*; for tho' slow, it will *overtake* him, and attack him in a defenceless State of *Surprize as a Thief in the Night*. §

BUT since the *Fear* of Punishment, in *distant Prospect*, will not always be effectual enough to deter Men from *sinful Practices*, the more *immediate* temporal Execution of *penal Laws* is absolutely necessary: For, as I briefly hinted above, Punishments have commonly this salutary Effect, either to *reform* Offenders, or discourage *others* from attempting the *like Crimes*.

IF

* *Numb.* xxxv. 33. † *1 Thef.* i. 10. § *2 Pet.* iii. 10.

If Men could act with *Impunity*, whatever vicious Inclination or open Licentiousness might prompt them to, the World, 'tis to be fear'd, would be a Scene of *Blood, Rapine, and Desolation*. Life would be in perpetual *Peril*,—*Right* invaded, —*Liberty* infringed,—and *Property* perverted: But, by the wholesome Restraints and Provision of a wise *Administration*, and the *happiest* of Constitutions, which was the third Thing I propos'd briefly to touch upon,

LIFE and Liberty, the next dear Boon! with all the Accessions of *Right* and *Property*, are maintained equally *inviolable* to the *lowest Subject* as to the *highest Person* in the *Legislative Rank*. In this Respect, the *Peasant* and the *Peer* stand on a *Level*:—The same * *Magna Charta*,—the same Establishment of *Religious* and *Civil Laws*—the harmonious Concurrence of King and Parliament,—the same inseparable *Regard* for *Justice*,—preserve the regular *Chain*, by which every Individual of the Community is firmly linked together.

THESE

* In the Preamble to *Magna Charter* (the best *Body of Laws* in any Nation) it is said to be made for the *Honour of God*, the *Exaltation of the Holy Church*, and the *Amendment of the Kingdom*.—A just Character!

Spellman calls *Magna Charta*,—*Augustissimum Anglicarum Libertatum Diploma, et Sacra Anchora*.

THESE are our *Birth-right* by the Laws of our *Constitution*; and *these* we must defend, § with a *Spirit that results from Liberty, and a Courage that belongs to Truth.*

UNDER such an happily-mix'd *Temper* of Government, One might justly wonder, how either *Injustice, Disaffection, or any separated Interests* whatever, cou'd possibly prevail. On the contrary, one might, with far greater Reason, expect, that in a *Reign, where * Mercy and Truth are met together,* (and, certainly, these Virtues never shone more distinguish'd in any Age) ** Righteousness and Peace,* on the Side of the *Subjects, wou'd kiss each other.* For, if *Royal Love and Favour* can engage *dutiful Subjection, and Gratitude* be excited by *Blessings* confer'd, an universal Happiness and Satisfaction must necessarily follow.

IF *Clemency* be a *Christian Accomplishment,* and can add Lustre to *Regal Dignity*——If, as the *wisest* of Potentates once observ'd, † *The King's Throne is upholden by Mercy*——sure, never Prince stood more secure, in the *Hearts of his People,* than his *present Majesty.* What can be more expressive of

§ Dr Hume's Sermon before the House of Commons, May 29. 1749.

** P^f. lxxxv. 10.

† Prov. xx. 28.

of his Regard for his Subjects, than his repeated Assurances, § “ That *they may depend on his Affection, and unwearied Endeavours, to promote the General Happiness.*”

SUCH is his *Humanity*, that, even in Cases, where it has been found absolutely necessary the *Laws* shou’d have the *severest Enforcements*, (either by Men’s *unnatural*, or voluntary and *contumacious Breach* of them) *Pity* has been frequently observ’d to take Place of *Justice*; and the *silent Tear* bespoke the *generous, soft, and unrevengeful Heart*. Will not *Tenderness*, and a *sympathetic Sense*, like This, command due *Allegiance and Veneration*? And may not We too justly apply the Apostle’s Words to all Those, who refuse it?—* *Presumptuous are They, and self-will’d, that despise Government*:—Especially, if we add, *Government supported by Equity, Moderation and Mercy*. And of *This* so many pregnant Proofs have been given, during the whole Course of a *long and prosperous Reign*, (God prosper it *still longer*) that even *Enemies* (if any there be so *unreasonable as continue such*) must own the utmost *Lenity* and *paternal Affection* shewn to his People: And every *true Subject* gratefully express the deepest Sense of the Blessings he enjoys,
both

§ King’s Speech last Sessions of Parliament, and many others.

* 2 *Pet.* ii. 10.

CARLISLE ASSIZES. 13

both in Church and State, under the best of earthly Governments.

WE need not recite Instances. They are too numerous to be confin'd, within a Discourse of this Nature.—Ev'ry honest Heart *feels* the Influence and *happy Effects*.

I MUST now draw to a Conclusion, lest I shou'd seem to engross too much of *that Time*, which is devoted to Business; and, by that Means, offend against the *publick Good*.

To dictate to those, who *preside in Judgment*, is not my Province;—nor would it at all become me. Only so far, I hope, it may with Modesty be advanc'd, That as their *Office* and *Appointment* is of the *highest Dignity*, so the faithful Discharge of it is of the *utmost Consequence*. They are *God's Vicegerents*; and act by a *divine Commission*, as well as a *civil* one. Therefore the Caution of the *Great Reformer*, the good *King of Judah*, upon his first Designation of *Judges in the Land*, may still be applied, without Offence, to this *high Character*;
* *Take heed what ye do: For ye judge not for Man, but for the Lord, who is with you in Judgment.*

HOLY

* 2 Chron. xix. 6.

HOLY Scripture points out the essential Qualifications of *these Rulers over us*;—that *they be † able Men*;—*such as fear God—Men of Truth*:—That *they § judge righteously between every Man and his Brother, and the Stranger that is with him*:—That *they || respect not the Person of the Poor, nor honour the Person of the Mighty*.—That ** *they shall not be afraid of the Face of Man*; for the Judgment is God's.—That *they †† defend the Poor and Fatherless—do Justice to the Afflicted and Needy; and deliver them out of the Hand of the Wicked*.

HERE is such a Mixture of *Wisdom—Piety—Veracity—Resolution—impartial Justice, and Mercy*, as makes the *Characters*, in whom they unite, most truly amiable. The Application is easily deducible; and might be made without the least Imputation of Flattery.

WHERE Persons, invested with a Power of *executing the Laws*, make the *Honour of God*,—the *Preservation of the King*—their *Country and Fellow Subjects*, the sole View of all their Administrations and Designs, *the Land must flourish—* Happy the People, that are in such a Case!* When Men of
up-

† *Exod. xviii. 21.*§ *Deut. i. 16.*|| *Levit. xix. 15.*** *Deut. i. 17.*†† *Psf. lxxxii. 34.** *Psf. cxliv. 15.*

CARLISLE ASSIZES. 25

upright Conduct *fit in the Throne of Judgment*, they will resemble their *Great Master*— a † *wise King*— and scatter away all Evil with their Eyes.

BUT tho' the chief Distribution of Justice be lodged in the Hands of the Judges, it rests not *solely there*. Every Magistrate, of an inferior Class, should be punctual in discharging his Office with a becoming Zeal and Fidelity: He should studiously endeavour to suppress Vice and Profaneness, in its earliest Growth, by the *exemplary Severity* of such Laws as are best calculated to correct the *wilful Transgressors* of them: For, let King and Parliament make the wisest Edicts imaginable, and Judges pronounce the *severest Charges*; yet if there be any *Remissness* or *Partiality* in the *lower Magistracy*, the *Wheels of Justice* must unavoidably be greatly clogged and obstructed; Vice and Immorality will take the Advantage and reign triumphant, to the Disgrace of our *pure and undefiled Religion*, and to the Interruption and Ruin of *social Life*.

† IDLENESS is the *Foster-parent* of a numerous *Issue* of Vices; and is not only a *Reproach* to *human Nature*, but the nearest Road to *Wretchedness* and † *Want*. This often puts Men upon *indirect Practices*; and, to supply their § *disorderly Method*

D of

† Prov. xx. 26. †† Prov. xxiv. 30, 31, & *pessim*.

§ Vide Fielding's Enquiry into the Causes of the Increase of Robberies, publish'd 1750-1.—An excellent Piece to discourage many reigning Vices!

of living, they have Recourse to all the wicked Arts of *Fraud, Robbery, and Theft.*

HISTORY gives us an Account, that some of the ancient and once best constituted Commonwealths, punished Idleness with *Infamy, Banishment, or Death*: And, in our own Country, as Matters stand, we are not without suitable *Provisions* against this *odious and beggarly Vice*, if the *Laws in Being* were but executed with that Resolution and Vigour, that Authority and Ascendant, which the *Fortunes and Abilities* of *Magistrates* will necessarily give them over their *Inferiors*.

WERE every petty Act of *Fraud and Injustice* duly punished, at its first Appearance, *Wickedness* would make but a *slow Progress*; and *few Men* would be audacious enough to advance to the most *daring Height* of *Impiety*, in Contempt of all *Restraints of Law*, or from an *Insensibility* of *Pain and Disgrace*.

IF *Swearing and Sabbath-breaking*, the *confessed In-lets* to Sins of every *Size and Complexion*, met with their *condign Punishment*, many unhappy fatal Consequences might timely be prevented. *These* are the *first Beginnings* of *Sorrows*; and *these* it is every *Magistrate's known Duty* to *punish and suppress*.

CARLISLE ASSIZES. 27

CONSIDER then, what Interest it would add to the Cause of Religion to discountenance as much as possible these crying Sins—What *Security*, what *Honour* it would reflect on *our Nation*, to have *these*, and the whole Train of *popular* prevailing *Vices* banished from amongst us.

CONSIDER too, what Numbers of *Lives*, I might say *Souls*, would be *saved*, by guarding these *Avenues* to *Sin* and *Death*!—What *Trouble*,—what *Uneasiness* to the *Judges of the Earth* might be prevented, by reducing the *black Calendar* of *Delinquents* and *Malefactors*! and, what should be of as great Importance as all the rest, consider how it will alleviate the *final Account*, which *must* be given, at the awful *Tribunal* of * *God, the Judge of all*.

F I N I S.

* *Heb. xii. 23.*



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